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Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary

Application No.

10/678,407

Applicant(s)

FUJISAWA ET AL.

Examiner

NANCY MEHTA

Art Unit

3692

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 29 January 2008.
2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-20 is/are pending in the application.
4a) Of the above claim(s) _____ is/are withdrawn from consideration.
5) ☐ Claim(s) _____ is/are allowed.
6) ☒ Claim(s) 1-20 is/are rejected.
7) ☐ Claim(s) _____ is/are objected to.
8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
10) ☒ The drawing(s) filed on 03 October 2003 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☐ Information Disclosure Statement(s) (PTO-8508)
4) ☐ Interview Summary (PTO-413)
5) ☐ Notice of Informal Patent Application
6) ☐ Other: _____
Paper No(s)/Mail Date _____

DETAILED ACTION

Status of Application

This office action is in response to the amendments and arguments filed by applicant on 01/29/2008.

- Claims 1, 2, 10, and 15 are amended
- No claims are cancelled
- Claims 18 – 20 are added
- Claims 1 - 20 are pending

The rejection under 35 USC 102 (b) has been withdrawn, based on the amendment provided by the applicant.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 1 – 20 are rejected under 35 U.S.C. 103(a) as being unpatentable over Nel (2001/0002468) and further in view of Alberth Jr. et al. (7,206,847).

As per claim 1: Nel shows:

A data processing system for processing and storing information relating to purchases made by a credit card user having with one or more credit cards (Abstract, Summary,

[0088]: where the system and software in Nel enables a user to utilize the ATM machine to purchase products. The user will need to swipe the card in the card reader slot (6(a)) for the transaction to be able to proceed) comprising:

a portable storage device independent of the credit card used to make a credit card purchase, said storage device having a rewritable nonvolatile memory unit for storing credit card usage information of purchase transactions by the credit card user for each of said one or more credit cards (Page 4, [0096]: where the portable storage device is used to transfer information from one machine to another.)

although Nel shows a portable storage device (page 4, [0096]) and credit card account (Fig. 6(b) and 6(c)), Nel does not explicitly show "purchase transactions by the credit card user for each of said one or more credit card". Alberth shows "of purchase transactions by the credit card user for each of said one or more credit card" (Fig. 1, lines 15 – 24: where the system in Alberth utilizes a two part personal storage device, or a smart card, to store credit card numbers, bank account numbers, etc. This card would be utilized for storing information about one or more credit cards that would be utilized for making purchase transactions.). It would have been obvious to one of ordinary skill in the art at the time the invention was made to provide the teachings of **Alberth** in the system of **Nel**, in order to enhance the security of personal data storage device (smart card) by providing to the smart card an additional layer of security in the form of an enabling key, which when coupled to the smart card enables the processor on the smart card to access and change storage information (column 1, lines 50 – 55: where the combination of the smart card information storage system to the system of Nel would

allow customers to utilize multiple cards and store pertinent information with added security against fraudulent practices and loss of data.).

a first data processing device for running a write process for generating card usage information for a payment made with a credit card when a credit card is used to make a purchase, and writing the credit card usage information to the portable storage device (Fig. 17: where the system (#100) shows an ATM (#112) capable of reading cards and processing information independently and in conjunction with the computer centers of various financial institutions (#122A – 122D). The processor on the ATM machine is the first data processing device); and

a second data processing device under the control of the credit card user comprising a processor for running a read process to read card usage information for each credit card written to the portable storage device (Fig. 17: where the system (#100) shows an ATM (#112) capable of reading cards and processing information independently and in conjunction with the computer centers of various financial institutions (#122A – 122D). The processor that interacts with the ATM machine to verify user identity, and then interact with the financial institution to confirm identity, would be the second processor. Since the user has the possession of the credit card, and the user would need to input information to verify his or her identity, the second data processing device would be under the credit card user's control. The second data processor being activated by the user swiping the card in the card reader involves exercising control over the activation of the processor.).

Art Unit: 3692

As per claim 2: Nel shows:

A data processing system according to claim 1 further comprising means for enabling the portable storage device to communicate wirelessly with said first and/or second data processing [[portable storage]] device (Page 4, [0096]: where the portable storage device is used to transfer information from one machine to another. Since a smart card is a portable storage device that the disclosure in Nel is able to use, the user may use wireless smart cards to communicate wirelessly with the first and second data processing devices.).

As per claim 3: Nel shows:

A data processing system according to claim 2, wherein the card usage information includes a payment amount and credit card number for the credit card used to make a purchase; and wherein the processor of the second data processing device executes a transaction management process based on the card usage information read by the read process for grouping and sorting payment amounts by credit card number and for executing a calculation process for calculating totals for the sorted payment amounts (Page 1, [0009]: wherein a transaction is processed by automatically initiating payment by the purchaser for the amount equal to the value of the transaction. Fig. 14 (a) – 16 (a): where the customer account is verified. Page 5, [0105]: wherein the card is inserted at the ATM, in order to access user's account information, the transaction system (#10) then asks the user to verify the PIN or the access code. Once the transaction is confirmed the transaction information is then transmitted to the vendor database where

it is stored and used to update the system. This updating process involves sorting of the transaction information based on product criteria.).

As per claim 4: Nel shows:

A data processing system according to claim 3, wherein the card usage information further includes a payment deadline for the credit card used for purchases;

and the second data processing device further comprises an input unit for specifying a billing month for the credit card,

wherein the processor of the second data processing device includes means for calculating the total of payment amounts included within the payment deadline in the billing month specified using the input unit.

(Page 5, [0106]: where if the purchaser does not have enough fund in his or her account, the purchaser is given an opportunity to utilize his or her credit card account(s) for making payments. Such credit card account(s) has payment deadline, and monthly billing processes. The billing process involves calculation of the total payment amount included within the billing month specified.

Page 5, [0110]: where if the purchaser does not have enough fund in his or her account, the purchaser is given an opportunity to utilize credit facilities based on credit evaluation criteria. Such credit facilities have payment deadlines, and monthly billing processes. The billing process involves calculation of the total payment amount included within the billing month specified.).

Art Unit: 3692

As per claim 5: Nel shows:

A data processing system according to claim 2, wherein the card usage information includes a payment amount and credit card number for the credit card used to make a purchase; and

the second data processing device further comprises a storage unit for storing an account number for a settlement account for the credit card used for purchases, and

wherein the processor of the second data processing device executes a transaction management process based on the card usage information read by the read process for grouping and sorting payment amounts by the account number and executes a calculation process for calculating totals for the sorted payment amounts.

(Page 1, [0009]: wherein a transaction is processed by automatically initiating payment by the purchaser for the amount equal to the value of the transaction. Page 5, [0105]: wherein the card is inserted at the ATM, in order to access user's account information, the transaction system (#10) then asks the user to verify the PIN or the access code. Once the transaction is confirmed the transaction information is then transmitted to the vendor database where it is stored and used to update the system. This updating process involves sorting of the transaction information based on product criteria. Fig. 17: where the system (#100) shows an ATM (#112) capable of reading cards and processing information independently and in conjunction with the computer centers of various financial institutions (#122A – 122D). The processors on the computer centers of various financial institutions are the second data processing devices. (Page 2, [0048]:

These processors store transaction information that involves the financial institution for various customers. Page 5, [0105]: wherein the card is inserted at the ATM, in order to access user's account information, the transaction system (#10) then asks the user to verify the PIN or the access code. Once the transaction is confirmed the transaction information is then transmitted to the vendor database where it is stored and used to update the system. This updating process involves sorting of the transaction information based on product criteria. The financial institutions need to perform calculations in order to process customer's financial transactions and to be able to provide customers with periodic bank statements.)

As per claim 6: Nel shows:

A data processing system according to claim 5, wherein the card usage information includes a payment deadline for the credit card used for purchases; and

the second data processing device further comprises an input unit for specifying a billing month for the credit card,

the storage unit of the second data processing device further storing balance data for the settlement account, and

wherein the processor of the second data processing device includes means for calculating the total of payment amounts included within the payment deadline in the billing month specified using the input unit, comparing the total of payment amounts included within the payment deadline in the specified billing month with the account

balance, and determining and reporting if the settlement amount due from the settlement account can be debited.

(Page 1, [0009]: wherein a transaction is processed by automatically initiating payment by the purchaser for the amount equal to the value of the transaction. Page 5, [0105]: wherein the card is inserted at the ATM, in order to access user's account information, the transaction system (#10) then asks the user to verify the PIN or the access code. Once the transaction is confirmed the transaction information is then transmitted to the vendor database where it is stored and used to update the system. This updating process involves sorting of the transaction information based on product criteria. Fig. 17: where the system (#100) shows an ATM (#112) capable of reading cards and processing information independently and in conjunction with the computer centers of various financial institutions (#122A – 122D). The processors on the computer centers of various financial institutions are the second data processing devices. Page 2, [0048]: These processors store transaction information that involves the financial institution for various customers. The financial institutions need to perform calculations in order to process customer's financial transactions and to be able to provide customers with periodic bank statements.).

As per claim 7: Nel shows:

A data processing system according to claim 1, wherein the portable storage device includes means for contactlessly reading and writing the card usage information from said first data processing device and said second data processing device respectively

Art Unit: 3692

(Page 2, [0057]: wherein the data input means includes an optical reading device that performs transaction related functions.).

As per claim 8: Nel shows:

A data processing system according to claim 3, wherein the card usage information includes a product name for which payment was made or a store name to which payment was made, and

wherein the second data processing device includes means for printing or displaying the product name or store name and payment amount read from the portable storage device (Fig. 6c: where the product chosen is confirmed. Fig. 16 (a): where the user is requested to enter product and other relevant information in order to carry out the transaction successfully.).

As per claim 9: Nel shows:

A data processing system according to claim 8, wherein the card usage information includes information relating to the payment method of the credit card used to make a purchase, and

wherein the second data processing device includes means for printing or displaying the payment method and payment amount read from the portable storage device (Fig. 14 (a) – 16 (a): where the customer account is verified; any additional information pertaining to the transaction is also requested to be entered in order to

Art Unit: 3692

ensure that the transaction can be carried out accurately, this includes specifying payment method (i.e. credit card, line of credit, etc.) and payment amount.).

As per claim 10: Nel shows:

A data processing method for use by a credit card user having one or more credit cards comprising the steps of:

although Nel shows a portable storage device (page 4, [0096]) and credit card account (Fig. 6(b) and 6(c)), Nel does not explicitly show "for use by a credit card user having one or more credit cards". Alberth shows "for use by a credit card user having one or more credit cards" (Fig. 1, lines 15 – 24: where the system in Alberth utilizes a two part personal storage device, or a smart card, to store credit card numbers, bank account numbers, etc. This card would be utilized for storing information about one or more credit cards that would be utilized for making purchase transactions.). It would have been obvious to one of ordinary skill in the art at the time the invention was made to provide the teachings of **Alberth** in the system of **Nel**, in order to enhance the security of personal data storage device (smart card) by providing to the smart card an additional layer of security in the form of an enabling key, which when coupled to the smart card enables the processor on the smart card to access and change storage information (column 1, lines 50 – 55: where the combination of the smart card information storage system to the system of Nel would allow customers to utilize multiple cards and store pertinent information with added security against fraudulent practices and loss of data.).

providing the credit card user with a portable storage device having a rewritable nonvolatile memory unit for storing card usage information for one or more credit cards used to make a purchase, with the portable storage device being independent of the credit cards (Page 4, [0096]: where the portable storage device is used to transfer information from one machine to another.);

generating card usage information for a payment made with one of said credit cards when a credit card is used to make a purchase (Page 1, [0028]: where a record is printed and maintained as proof of a transaction.);

writing the card usage information to the portable storage device (Page 4, [0096]: where the portable storage device is used to transfer information from one machine to another.);

reading the card usage information for each credit card written to the portable storage device (Page 4, [0096]: where the portable storage device is used to transfer information from one machine to another.); and

running a transaction management process under the control of the card user based on the read card usage information (Page 4, [0096]: where the portable storage device is used to transfer information from one machine to another. A transaction requires the writing, reading, and running function to be successfully stored or transferred into a portable storage device, like a smart card. Since the user has the possession of the credit card, and the user would need to input information to verify his or her identity in order for the transaction to proceed, the user exercises control over the

transaction management process. The process is activated by the user swiping the card in the card reader; this involves exercising control over the activation of the processor.).

As per claim 11: Nel shows:

A data processing method according to claim 10, wherein the card usage information includes a payment amount and credit card number for the credit card used to make a purchase; and

the transaction management process executes a sorting process for grouping payment amounts by credit card number and a calculation process for calculating totals for the sorted payment amounts.

(Page 1, [0009]: wherein a transaction is processed by automatically initiating payment by the purchaser for the amount equal to the value of the transaction. Fig. 14 (a) – 16 (a): where the customer account is verified. Page 5, [0105]: wherein the card is inserted at the ATM, in order to access user's account information, the transaction system (#10) then asks the user to verify the PIN or the access code. Once the transaction is confirmed the transaction information is then transmitted to the vendor database where it is stored and used to update the system. This updating process involves sorting of the transaction information based on product criteria. The use of a portable storage medium may be made for transfer of information from one entity to another.)

As per claim12: Nel shows:

Art Unit: 3692

A data processing method according to claim 11, wherein the card usage information further includes a payment deadline for the credit card used for purchases; and

the transaction management process calculates the total of payment amounts included within the payment deadline in a billing month specified by an operator.

(Page 5, [0106]: where if the purchaser does not have enough fund in his or her account, the purchaser is given an opportunity to utilize his or her credit card account(s) for making payments. Such credit card account(s) has payment deadline, and monthly billing processes. The billing process involves calculation of the total payment amount included within the billing month specified.

Page 5, [0110]: where if the purchaser does not have enough fund in his or her account, the purchaser is given an opportunity to utilize credit facilities based on credit evaluation criteria. Such credit facilities have payment deadlines, and monthly billing processes. The billing process involves calculation of the total payment amount included within the billing month specified.).

As per claim 13: Nel shows:

A data processing method according to claim 10, wherein the card usage information includes a payment amount and credit card number for the credit card used to make a purchase,

the account number of a settlement account for the credit card used to make a purchase is pre-stored, and

the transaction management process executes a sorting process for grouping payment amounts by account number, and a calculation process for calculating totals for the sorted payment amounts.

(Page 1, [0009]: wherein a transaction is processed by automatically initiating payment by the purchaser for the amount equal to the value of the transaction. Fig. 14 (a) – 16 (a): where the customer account is verified. Page 5, [0105]: wherein the card is inserted at the ATM, in order to access user's account information, the transaction system (#10) then asks the user to verify the PIN or the access code. Once the transaction is confirmed the transaction information is then transmitted to the vendor database where it is stored and used to update the system. This updating process involves sorting of the transaction information based on product criteria.

Fig. 1: shows a transaction system (#10) where a transaction between a vendor and a purchaser is performed, where an ATM (#12) may be utilized to make payments. In this case, the use of ATM (#12) necessitates the pre-establishment and storage of an account.).

As per claim 14: Nel shows:

A data processing method according to claim 13, wherein the card usage information further includes a payment deadline for the credit card used for purchases; and

the transaction management process calculates the total of payment amounts included within the payment deadline in the billing month specified by the operator,

receives the account balance of the settlement account for the credit card used for purchases,

compares the total of payment amounts included within the payment deadline in the specified billing month with the account balance, and

determines and reports if the settlement amount due from the settlement account can be debited.

(Page 5, [0106]: where if the purchaser does not have enough fund in his or her account, the purchaser is given an opportunity to utilize his or her credit card account(s) for making payments. Such credit card account(s) has payment deadline, and monthly billing processes. The billing process involves calculation of the total payment amount included within the billing month specified.

Page 5, [0110]: where if the purchaser does not have enough fund in his or her account, the purchaser is given an opportunity to utilize credit facilities based on credit evaluation criteria. Such credit facilities have payment deadlines, and monthly billing processes. The billing process involves calculation of the total payment amount included within the billing month specified.

Fig. 6(b), [0106]: shows a check procedure to verify that an account from which funds are to be transferred has sufficient funds. In order to access the sufficiency of funds in an account, the system has to calculate the total payment to be made by the customer, the amount of funds in the account utilized for making the payment, and then compare

Art Unit: 3692

the two to make sure that the account has enough funding to be able to make the payment.).

As per claim 15: Nel shows:

A computer-readable recording medium accessible to a credit card user for storing a computer program which implements a data processing method in a data processing device for reading and writing information to a portable storage device having a rewritable nonvolatile memory unit for storing credit card usage information for each one or more credit cards of said credit card user when used to make a purchase with said computer program including a read program to implement a read process for

reading card usage information from the portable storage device representative or purchases made by one or more of said credit cards ((Page 4, [0096]: where the portable storage device is used to transfer information from one machine to another.); and

including a transaction management program under the sole control of the credit card user for implementing the running of a transaction management process based on card usage information read by the read process.

(Page 4, [0096]: where the portable storage device is used to transfer information from one machine to another. Page 1, [0028]: where a record is printed and maintained as proof of a transaction. A transaction requires the writing, reading, and running function to be successfully stored or transferred into a portable storage device, like a smart card. Since the user has the possession of the credit card, and the user would need to input

information to verify his or her identity in order for the transaction to proceed, the user exercises control over the transaction management process. The process is activated by the user swiping the card in the card reader; this involves exercising control over the activation of the processor.).

As per claim 16: Nel shows:

A computer-readable recording medium according to claim 15 wherein the card usage information includes a payment amount and credit card number for the credit card used to make a purchase; and

wherein the transaction management process runs a sorting process for grouping payment amounts by credit card number and a calculation process for calculating totals for the sorted payment amounts.

(Page 4, [0096]: where the portable storage device is used to transfer information from one machine to another. Page 1, [0028]: where a record is printed and maintained as proof of a transaction. A transaction requires the writing, reading, and running function to be successfully stored or transferred into a portable storage device, like a smart card. Page 1, [0009]: wherein a transaction is processed by automatically initiating payment by the purchaser for the amount equal to the value of the transaction. Fig. 14 (a) – 16 (a): where the customer account is verified. Page 5, [0105]: wherein the card is inserted at the ATM, in order to access user's account information, the transaction system (#10) then asks the user to verify the PIN or the access code. Once the transaction is confirmed the transaction information is then transmitted to the vendor database where

it is stored and used to update the system. This updating process involves sorting of the transaction information based on product criteria. The use of a portable storage medium may be made for transfer of information from one entity to another.)

As per claim 17: Nel shows:

A computer-readable recording medium according to claim 15 wherein the card usage information includes a payment amount and credit card number for the credit card used to make a purchase; and

wherein the transaction management process runs a sorting process for grouping payment amounts by the account numbers of the settlement accounts for the credit cards used for purchases, and a calculation process for calculating totals for the sorted payment amounts.

((Page 1, [0009]: wherein a transaction is processed by automatically initiating payment by the purchaser for the amount equal to the value of the transaction. Fig. 14 (a) – 16 (a): where the customer account is verified. Page 5, [0105]: wherein the card is inserted at the ATM, in order to access user's account information, the transaction system (#10) then asks the user to verify the PIN or the access code. Once the transaction is confirmed the transaction information is then transmitted to the vendor database where it is stored and used to update the system. This updating process involves sorting of the transaction information based on product criteria.

Fig. 1: shows a transaction system (#10) where a transaction between a vendor and a purchaser is performed, where an ATM (#12) may be utilized to make payments. In this

case, the use of ATM (#12) necessitates the pre-establishment and storage of account information.).

As per claim 18: Nel shows:

A data processing device accessible for use by a credit card user having one or more credit cards for processing and managing credit card usage of the credit card user based upon credit card information stored in a rewritable nonvolatile memory of a portable credit card device provided to said credit card user independent of said credit cards wherein the data processing device comprises a processor for running a read process to read card usage information from said portable credit card device for said one or more credit cards when used by the credit card user to make a card purchase.

(Page 1, [0009]: wherein a transaction is processed by automatically initiating payment by the purchaser for the amount equal to the value of the transaction. Page 5, [0105]: wherein the card is inserted at the ATM, in order to access user's account information, the transaction system (#10) then asks the user to verify the PIN or the access code. Once the transaction is confirmed the transaction information is then transmitted to the vendor database where it is stored and used to update the system. This updating process involves sorting of the transaction information based on product criteria. Fig. 17: where the system (#100) shows an ATM (#112) capable of reading cards and processing information independently and in conjunction with the computer centers of various financial institutions (#122A – 122D). The processors on the computer centers of various financial institutions are the second data processing devices. Page 2, [0048]:

These processors store transaction information that involves the financial institution for various customers. The financial institutions need to perform calculations in order to process customer's financial transactions and to be able to provide customers with periodic bank statements.).

As per claim 19: Nel shows:

A data processing device according to claim 18, wherein the card usage information includes a payment amount and credit card number for the credit card used to make a purchase; and

wherein the processor of said data processing device executes a transaction management process based on the card usage information read by the read process for grouping and sorting payment amounts by credit card number and for executing a calculation process for calculating totals for the sorted payment amounts.

(Page 1, [0009]: wherein a transaction is processed by automatically initiating payment by the purchaser for the amount equal to the value of the transaction. Page 5, [0105]: wherein the card is inserted at the ATM, in order to access user's account information, the transaction system (#10) then asks the user to verify the PIN or the access code. Once the transaction is confirmed the transaction information is then transmitted to the vendor database where it is stored and used to update the system. This updating process involves sorting of the transaction information based on product criteria. Fig. 17: where the system (#100) shows an ATM (#112) capable of reading cards and processing information independently and in conjunction with the computer centers of

various financial institutions (#122A – 122D). The processors on the computer centers of various financial institutions are the second data processing devices. Page 2, [0048]: These processors store transaction information that involves the financial institution for various customers. The financial institutions need to perform calculations in order to process customer's financial transactions and to be able to provide customers with periodic bank statements.).

As per claim 20: Nel shows:

A data processing device according to claim 19, wherein the card usage information further includes a payment deadline for the credit card used for purchase; and

the data processing device further comprise an input unit for specifying a billing month for the credit card (Abstract, Summary: where the transactions performed by the user will be billed to the user on a periodic basis.). It would have been obvious to one of ordinary skill in the art at the time of the invention to modify Nel with the ability to allow users to select the billing month for the credit card payment so that the user could exercise discretion on when it might be the best for him/her to pay the bill from a financial stand point.),

wherein the processor of the data processing device includes means for calculating the total of payment amounts included within the payment deadline in the billing month specified using the input unit ([0102], [0113]: where Nel shows a totalizer).

Response to Arguments

Argument #1

In claim 1, the portable storage device stores in memory credit card usage information by the credit card user of all purchase transactions from each of the one or more credit cards. In contrast, the portable storage device referred to by the Examiner on page 4 of Nel does not teach writing and storing all purchase transaction information by the credit card user into the portable storage unit for each of the one or more credit cards.

Moreover, the second data processing device of claim 1 is under the control of the credit card user which is clearly not the case in Nel '468. Under no circumstances would an ATM machine be placed under the control of a credit card user. The card holder in Nel is limited to making a financial transaction using the ATM machine. The credit card user has no control over data processing in the ATM machine. Accordingly, claim 1 is clearly patentable over Nel and the rejection under 35 USC 102(b) should be withdrawn.

Claim 1 has been amended to define the second data processing device as being under the control of the credit card user. Accordingly, the processor of the second data processing device in claim 3 is also under the control of the credit card user which is not the case in Nel '468 and Nel does not teach or suggest permitting the credit card user to execute a transaction management process based on the card usage information, etc.

Response to Argument #1

The examiner respectfully disagrees. Applicant's arguments have been fully considered but are not persuasive. The examiner notes that the amended claims have necessitated new grounds of rejection. Please see rejection above for details.

Argument #2

Likewise, the data processing method of claim 10 is to be used by a credit card user having one or more credit cards with the credit card user provided with a portable storage device for storing card usage information for each of said one or more credit cards used to make a purchase and with the credit card user in control of a transaction management process. In contrast, the storage device referred to in Nel on page 4 is not provided to the credit card user to be used independent of the credit cards and does not store credit card usage information for each of said one or more credit cards when used by the card user to make a purchase nor is the credit card user in control of a transaction management process.

Response to Argument #2

The examiner respectfully disagrees. Applicant's arguments have been fully considered but are not persuasive. The examiner notes that the amended claims have necessitated new grounds of rejection. Please see rejection above for details.

Argument #3

Similarly, in claim 15, the computer-readable recording medium is accessible to a credit card user and the transaction management program is under the sole control of the credit card user which is simply not the case in Nel. Moreover, in Nel

the portable storage device does not store credit card usage information for each of the one or more credit cards of the credit card user when the credit card user makes a purchase. Accordingly, claims 10 and 15 are clearly patentable over Nel and the rejection under 35 USC 102(a) should be withdrawn.

Claims 16-17 are dependent claims which depend from claim 15 and are therefore believed patentable for the same reasons as given above, with respect to claim 15. Moreover, since the transaction management program in claim 15 is under the sole control of the credit card user, the comments of the Examiner with regard to claims 16 and 17 do not apply.

Response to Argument #3

The examiner respectfully disagrees. Applicant's arguments have been fully considered but are not persuasive. The examiner notes that the amended claims have necessitated new grounds of rejection. Please see rejection above for details.

Argument #4

Claims 2-9 depend from claim 1 and are therefore believed patentable for the same reasons as given above.

Moreover, for a rejection under 35 USC 102 to be proper, the cited reference must teach each feature in the claims.

Claims 11-14 are dependent claims, which depend from claim 10 and are believed to be patentable for the same reasons as given above relative to claim 10.

Moreover, since the transaction management process is under the control of the credit card user, the remarks of the Examiner relative to the dependent claims 1 1-14 do not apply.

Response to Argument #4

The examiner respectfully disagrees. Applicant's arguments have been fully considered but are not persuasive. The examiner notes that the amended claims have necessitated new grounds of rejection. Please see rejection above for details.

Argument #5

Claim 4 is completely remote from the teaching of Nel which has no reference whatsoever to payment deadlines for the credit card user for making purchases. The same is true for claim 6 and claim 9, respectively,

Response to Argument #5

The examiner respectfully disagrees. Transactions performed using credit cards lead to the issuance of credit card statements that have payment deadlines. Therefore, even though Nel does not explicitly show "payment deadlines", it would have been obvious to one of ordinary skill in the art at the time of the invention to modify Nel with credit card statements that have payment deadlines in order to ensure that merchants, financial institutions, and other parties to a transaction are paid in a timely manner.

Argument #6

Claims 18-20 are new, with claim 18 directed to a data processing device accessible for use by a credit card user having one or more credit cards for processing and managing credit card usage of the credit card user based upon credit card information stored in a rewritable non-volatile memory of a portable credit card device provided to said credit card user independent of said credit cards with the data processing device comprising a processor for running a read process to read card usage information from the portable credit card device for said one or more credit cards when used by the credit card user to make a card purchase.

Response to Argument #6

The examiner respectfully disagrees. Applicant's arguments have been fully considered but are not persuasive. The examiner notes that the amended claims have necessitated new grounds of rejection. Please see rejection above for details.

Applicant's arguments regarding claims that are not amended have been fully considered but they are not persuasive.

As the remaining claims depend directly or indirectly from the amended independent claims, the examiner maintains that Nel and Alberth either in obvious combination or individually clearly teach all limitations argued and presented by the applicant in the claims as currently they have been amended.

Furthermore, examiner would like to note the following discussion of Official Notice taken from the MPEP:

To adequately traverse such a finding, an applicant must specifically point out the supposed errors in the examiner's action, which would include stating why the noticed fact is not considered to be common knowledge or well-known in the art. See 37 CFR 1.111(b). See also *Chevenard*, 139 F.2d at 713, 60 USPQ at 241 ("[I]n the absence of any

Art Unit: 3692

demand by appellant for the examiner to produce authority for his statement, we will not consider this contention."'). A general allegation that the claims define a patentable invention without any reference to the examiner's assertion of official notice would be inadequate. If applicant adequately traverses the examiner's assertion of official notice, the examiner must provide documentary evidence in the next Office action if the rejection is to be maintained. See 37 CFR 1.104(c)(2). See also *Zurko*, 258 F.3d at 1386, 59 USPQ2d at 1697 ("[T]he Board [or examiner] must point to some concrete evidence in the record in support of these findings" to satisfy the substantial evidence test). If the examiner is relying on personal knowledge to support the finding of what is known in the art, the examiner must provide an affidavit or declaration setting forth specific factual statements and explanation to support the finding. See 37 CFR 1.104(d)(2). If applicant does not traverse the examiner's assertion of official notice or applicant's traverse is not adequate, the examiner should clearly indicate in the next Office action that the common knowledge or well-known in the art statement is taken to be admitted prior art because applicant either failed to traverse the examiner's assertion of official notice or that the traverse was inadequate. If the traverse was inadequate, the examiner should include an explanation as to why it was inadequate. (MPEP § 2144.03(C))

The examiner would like to note the above discussion of MPEP on Official Notice in order to inform the applicant that any Official Notice in previous Office Correspondence(s) will be considered to be admitted prior art, because Applicant's traversal was inadequate.

Examiner has pointed out particular references contained in the prior arts of record in the body of this action for the convenience of the applicant. Although the specified citations are representative of the teachings in the art and are applied to the specific limitations within the individual claim, other passages and figures may apply as well. It is respectfully requested from the applicant, in preparing the response, to consider fully the entire references as potentially teaching all or part of the claimed invention, as well as the context of the passage as taught by the prior arts or disclosed by the examiner

Conclusion

Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than **SIX MONTHS** from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to **NANCY MEHTA** whose telephone number is (571)270-3265. The examiner can normally be reached on Monday - Friday 9:00 am - 5:00 pm, alt. Friday off.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Kambiz Abdi can be reached on 571-272-6702. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

Nancy Mehta

/Nga B. Nguyen/

Primary Examiner, Art Unit 3692